

App. No. 09/758,001  
Response mailed February 25, 2004  
Re: Office Action mailed November 25, 2003

**REMARKS**

In response to the Office Action mailed November 25, 2003, the Applicant respectfully requests that the Examiner consider the following remarks. Claims 1 and 3-21 are still pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the remarks.

**Rejection of Claims 1, 3, and 6-13 Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 1, 3, and 6-13 under 35 U.S.C. § 103(a) as being unpatentable over Stucky et al. in view of Deaner et al. The Applicant respectfully traverses the rejection.

Stucky et al. does not teach or suggest the synthetic wood layer or the foamed polymer layer of the present invention. As previously noted, the composite taught by Stucky et al. includes a significant amount of fiber. By comparing the examples provided in Table I of Stucky et al., it can be seen that simply changing the amount of wood flour in the composite can have a material effect on the flex modulus and flex strength of the composite. Thus, the Stucky et al. reference provides evidence that a significant amount of wood flour such as taught therein would materially change the characteristics of the foamed polymer layer of the present invention. Furthermore, as noted by the Examiner, Stucky et al. does not disclose the amount of lubricant, stabilizer, or inorganic filler. Therefore, the Applicant respectfully submits that Stucky et al. does not teach or suggest the foamed polymer layer of the present invention.

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Deaner et al. does not overcome the deficiencies of Stucky et al. In particular, Deaner et al. does not provide any motivation to produce a component comprising a synthetic wood layer and a foamed polymer layer as described in the present claims. Therefore, the Applicant respectfully submits that Stucky et al. in view of Deaner et al. cannot support the rejection of claims 1, 3, and 6-13 under 35 U.S.C. § 103(a).

Rejection of Claims 4 and 5 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Stucky et al. in view of Deaner et al., as evidenced by Zehner et al. The Applicant respectfully traverses the rejection.

The Applicant has distinguished independent claim 1 over the cited references. Claims 4 and 5 depend from claim 1. Therefore, the Applicant respectfully submits that Stucky et al. in view of Deaner et al., as evidenced by Zehner et al., cannot support the rejection of claims 4 and 5 under 35 U.S.C. § 103(a).

Rejection of Claims 14, 15, and 18-20 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 14, 15, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Woodhams. The Applicant respectfully traverses the rejection.

Woodhams does not teach or suggest a component that has two different layers that are secured together. As set forth in the passage cited by the Examiner, the component taught by Woodhams is made from the same composite compound. There is no motivation provided by Woodhams to secure two different layers of material together to form a component as set forth in the present claims. Therefore, the

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Applicant respectfully submits that Woodhams cannot support the rejection of claims 14, 15, and 18-20 under 35 U.S.C. § 103(a).

Rejection of Claims 16 and 17 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Woodhams as evidenced by Zehner et al. The Applicant respectfully traverses the rejection.

The Applicant has distinguished independent claim 14 over Woodhams. Claims 16 and 17 depend from claim 14. Zehner et al. does not provide the motivation that is lacking in Woodhams. Therefore, the Applicant respectfully submits that Woodhams as evidenced by Zehner et al. cannot support the rejection of claims 16 and 17 under 35 U.S.C. § 103(a).

Rejection of Claim 21 Under 35 U.S.C. § 103(a)

The Examiner rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Woodhams in view of Godavarti et al. The Applicant respectfully traverses the rejection.

The Applicant has distinguished independent claim 14 over Woodhams. Claim 21 depends from claim 14. Godavarti et al. also fails to provide any motivation for a component comprised of two different material layers that are secured together as set forth in the present claims. Therefore, the Applicant respectfully submits that Woodhams in view of Godavarti et al. cannot support the rejection of claim 21 under 35 U.S.C. § 103(a).

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Double Patenting Rejection of Claims 14, 15, and 18-20

The Examiner rejected claims 14, 15, and 18-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4 and 5 of U.S. Patent No. 6,579,605 in view of Woodhams. The Applicant respectfully traverses the rejection. The present application was filed on January 9, 2001. On the other hand, U.S. Application No. 09/854,894, which issued as U.S. Patent No. 6,579,605, was subsequently filed on May 14, 2001. Therefore, the Applicant respectfully submits that the double patenting rejection has been obviated.

Conclusion

The Applicant has distinguished claims 1 and 3-21 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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